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**BOX AF**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Title: *METHOD FOR PREPARING A LATEX WITH PHOTOCROMIC PROPERTIES AND USES THEREOF, PARTICULARLY IN OPHTHALMOLOGY*

Appl. No.: 09/939,151

Applicant: Sylvette Maisonnier *et al.*

Filed: August 24, 2001

TC/A.U.: 1712

Examiner: P. C. Tucker

Docket No.: ESSR:052US

Customer No.: 32425

Confirmation No.: 3004

CERTIFICATE OF MAILING 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
November 19, 2004	Mark B. Wilson
Date	Signature of Mark B. Wilson

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**BOX AF**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed June 29, 2004, finally rejecting claims 24-27, 36, 39, 42-45, 48-57, and 62. The fee for filing this Notice of Appeal is \$430.00 and is included with this document.

11/24/2004 HALI11 00000016 09939151

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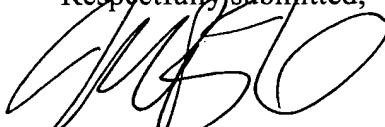
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Applicants note, however, that a response to the Final Office Action dated June 29, 2004, is being filed concurrently with this Notice of Appeal. In light of the arguments made in the response, Applicants believe that the present case is in condition for allowance and such favorable action is requested. Applicants are filing this Notice of Appeal as a means to prevent the application from going abandoned and to preserve the right to appeal this case to the Board of Patent Appeals and Interferences, if necessary.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/ESSR:052US.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



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Date: November 19, 2004